

SENATE BILL 728
By Beavers

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 10, Part 4, relative to alcohol and drug
testing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by adding
the following new subsection:

(f)

(1) If a law enforcement officer has probable cause to believe that any driver of a motor vehicle involved in a collision resulting in the serious bodily injury or death of another has committed any motor vehicle violation pursuant to this title or title 39, the officer shall cause such driver to be tested for the purpose of determining the alcohol or drug content of any such driver's blood. Such test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether such driver does or does not consent to such test.

(2) For the purposes of this subsection, "serious bodily injury" means bodily injury which involves:

(A) A substantial risk of death;

(B) Unconsciousness;

(C) Extreme physical pain;

(D) Obvious disfigurement; or

(E) Loss or substantial impairment of a function of a bodily

member, organ or mental faculty.

(3) The results of a test performed in accordance with this subsection shall be admissible in evidence by either the state or any driver of a vehicle in any court or administrative hearing relating to such collision or offense.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.